

JUNG & ASSOCIATES, P.C.

33 North Dearborn, Suite 1515
Chicago, Illinois 60602

Writer's Direct Dial (312) 252-0104 x 14
Fax (312) 252-0109

September 26, 2002

VIA FEDERAL EXPRESS

Mr. Brad Littrell
Delta Environmental Consultants
1717 Park Street, Suite 150
Naperville, Illinois 60563

Re: BP Service Station #15116
101 East Lincoln Highway
DeKalb, Illinois
LUST Incident Number: 911225

Dear Brad:

Enclosed herewith please find an original certified copy of the Groundwater Ordinance passed by the City of DeKalb relative to the above referenced site.

Should you have any questions or require anything further, please do not hesitate to give me a call.

Sincerely,
Jung & Associates, P.C.

By: 

Daniel S. Wiemerslage

cc: David A. Piotrowski, BP (cover letter only)
File

City of DEKALB

DEKALB MUNICIPAL BUILDING
200 SOUTH FOURTH STREET
DEKALB, ILLINOIS 60115
FAX (815) 748-2056
TDD (815) 748-2302
www.cityofdekalb.com

STATE OF ILLINOIS)
COUNTY OF DEKALB) SS
CITY OF DEKALB)

I, **DONNA S. JOHNSON**, do hereby certify that I am the duly elected and acting City Clerk of the City of DeKalb, DeKalb County, Illinois, and as such officer I am the keeper of the records and files of the City Council of said City.

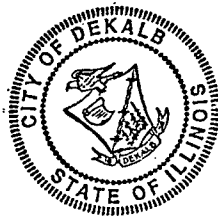
I do further certify that the attached is a true and correct copy of:

ORDINANCE 02-30

**PROHIBITING THE USE OF GROUNDWATER
AS A POTABLE WATER SUPPLY BY THE
INSTALLATION OR USE OF POTABLE
WATER SUPPLY WELLS OR BY ANY OTHER
METHOD WITHIN A CERTAIN AREA IN THE
CITY OF DEKALB.**

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois on the 28th day of May, 2002, and the original is now on file in my office.

WITNESS my hand and the official seal of said City this 25th day of September, 2002.




DONNA S. JOHNSON, City Clerk

City of DeKalb
200 South Fourth Street
DeKalb, IL 60115



ORDINANCE 02-30

Passed: May 28, 2002

**PROHIBITING THE USE OF GROUNDWATER AS
A POTABLE WATER SUPPLY BY THE
INSTALLATION OR USE OF POTABLE WATER
SUPPLY WELLS OR BY ANY OTHER METHOD
WITHIN A CERTAIN AREA IN THE CITY OF
DEKALB**

WHEREAS, certain property within the City of DeKalb, Illinois (the "City") located at the northeast corner of Lincoln Highway and First Street had been used over a number of years as a gasoline service station; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class 1 groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are at or around the source of said chemical constituents; now,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois, as follows:

Section 1. Definitions: "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.


"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Section 2. The use or attempt to use groundwater as a potable water supply from within the area shown on Exhibit A and more particularly described on Exhibit B, both attached to and made a part of this ordinance, by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the City.

Section 3. Penalties: Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 for each violation.

Section 4. Repealer: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed by this ordinance insofar as they are in conflict with this ordinance.

Section 5. Severability: If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the




ordinance as a whole or of any portion not adjudged invalid.

Section 6. That each section, paragraph, sentence, clause and provision of this ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance, nor any part thereof, other than that part affected by such decision.

Section 7. That this Ordinance shall be in full force and effect upon its passage and approval according to law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 28th day of May, 2002, and approved by me as Mayor on the same day. First and second reading on May 28, 2002. Roll call vote 7-0. Aye: Small, Povlsen, Kapitan, Knowlton, Conboy, Baker, Sosnowski.

ATTEST:


DONNA S. JOHNSON, City Clerk



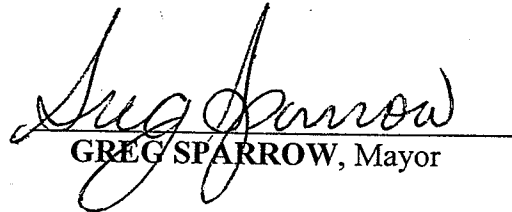

GREG SPARROW, Mayor

Exhibit "A"

North
 LEGEND:

PROPERTY BOUNDARY

FORMER UNDERGROUND STORAGE TANKS

AREA OF GROUNDWATER ORDINANCE

LOOSE RESIDENTIAL

FIRST STREET

LINCOLN HIGHWAY

PALMER COURT

BUILDING

BUILDING

RETAIL SHOPS

0 30
 SCALE IN FEET

FIGURE 1
GROUNDWATER ORDINANCE MAP
FORMER AMOCO SERVICE STATION NO. 15116
101 EAST LINCOLN HIGHWAY
DE KALB, ILLINOIS

PROJECT NO. 30040 P	PREPARED BY KK/GF	DRAWN BY JH
DATE 4/25/02	REVIEWED BY	FILE NAME 96353SM2

Delta
 Environmental
 Consultants, Inc.

Exhibit "B"

Beginning at the Southwest Corner of the intersection of the Lincoln Highway right-of-way and the First Street right-of-way and going North on the West side of the First Street right-of-way to a point on the West side of the First Street right-of-way where it intersects with the North lot line of Lot 53 of County Clerk's Subdivision of Block 1, original Town (now City) of DeKalb, according to the Plat thereof recorded July 1, 1929, in Book "F" of Plats, Page 22, in DeKalb County, Illinois extended westerly where it intersects with the West side of the First Street right-of-way; thence East parallel with the North lot line of said Lot 53 to the Northeast Corner of said Lot 53; thence South along the Eastern lot line of said Lot 53 to the Southeastern corner of said Lot 53; thence West along the South lot line of said Lot 53 to a point where it intersects with the East lot line of Lot 56 of County Clerk's Subdivision of Block 1, original Town (now City) of DeKalb, according to the Plat thereof recorded July 1, 1929, in Book "F" of Plats, Page 22, in DeKalb County, Illinois; thence South along the East lot line of said Lot 56 on a line continuing Southerly to a point in the South side of the Lincoln Highway right-of-way; thence West along the South side of the Lincoln Highway right-of-way to the point of beginning.